

**State Bar of Michigan
Criminal Jurisprudence and Practice Committee
Thursday, November 15, 2012 – 1 to 3 PM
State Bar of Michigan Building, 306 Townsend Street, Lansing, MI**

MINUTES

Committee Members: Ryan Lee Berman Mary Alexis Bowen, Thomas P. Clement, Nichole Jongsma Derks, Nimish R. Ganatra, Daniel Corrigan Grano, J. Kevin McKay, Donna McKneelen, Julie A. Powell, Jonathan Sacks, Scott R. Sanford, Samuel R. Smith, Gretchen A. Schlaff (Advisor)
SBM Staff: Janet K. Welch, Peter Cunningham, Carrie Sharlow

1. Call to Order & Welcome
2. Approval of the Minutes from October 2012 – Minutes were unanimously approved.
3. New Business
 - a. [SB 1313](#) (Hansen) Criminal procedure; discovery; child pornography discovery; clarify access and disclosure procedures. Amends sec. 145c of [1931 PA 328](#) (MCL [750.145c](#)).
Status: 10/17/12 Passed Senate
Liaisons: Thomas P. Clement and Julie A. Powell

The liaisons recommend support of SB 1313 and offered the following explanation for committee vote:

The committee supports SB 1313 because it strikes the appropriate balance between a defendant's right to access materials necessary to his defense and Michigan's compelling interest in ensuring that children are not re-victimized and continually harmed through the further and continued dissemination of prohibited images of children depicted in listed sexual acts. SB 1313 also comports with Federal law, which does not permit such images to be copied and provided to defendants or their attorneys.

The committee voted 8 in favor, with 2 abstaining to support the bill.

- b. [2012-18 - Proposed Amendment of Rule 2.512 of the Michigan Court Rules \(would require trial courts to use Model Criminal Jury Instructions\)](#)
The Court has determined that the function of adopting, amending, and repealing model criminal jury instructions should be structured similar to that for model civil jury instructions. As part of that structural change, the Court is considering an amendment that would require trial courts to use model jury instructions in criminal cases under the same circumstances in which they are used in civil cases, i.e., if the instructions are applicable, accurately state the applicable law, and are requested by a party.
Issued: October 24, 2012
Comment period expiration: February 1, 2013
Liaisons: Samuel R. Smith and Ryan Lee Berman

The committee voted unanimously to support the proposed amendment.

4. Reports

- a. Criminal Law Section – Jonathan Sacks is on the Section. The next meeting is next week. One item on the agenda is the proposed juvenile lifer legislation. The Section is interested in going to are counties offering training and instruction.
- b. Eyewitness Task Force – The task force is focusing on a model policy that would be MCOLES run. One suggestion would be a double-blind, where the officer investigating would not be the one showing photos to the witness.
- c. Indigent Defense Advisory Commission – HB 5804 passed the House 71 to 36 last Thursday. It moves onto the Senate and the Senate Judiciary has held an informative meeting. There are some compromises in the works. The bill was just introduced in August. The biggest opposition comes from PAAM and the counties.
- d. Custodial Interrogation Recording Legislation – SB 152 has been read once on the House floor, having passed House Judiciary.

5. Adjournment.